

10/523,322

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 31-40 and 46-50 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Chujo et al. '687. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

According to the present invention, the gantry 11 of the interlacing device 10 is relatively narrow and is displaceable inside palletizing machine 1, that is the gantry 11, e.g., the pair of posts (11a) interconnected at a top end thereof by a cross-beam (11b), of the interlacing device 10 is located and movable between the two vertical gantry supports for the palletizing machine and vertically below the gripping device 5, by a driving means supported on a chassis or a frame 19. With this kind of construction, the interlacing device is entirely separate from the palletizing machine and displacement of the gantry 11, of the interlacing device 10, can be easily adapted to different width of products or pallets and for different palletizing machines.

Turning now to the applied Chujo et al. '687 reference, the gantry (rectangular frame) 16 of the interlacing device according to this reference is fixed on the floor--and thus not displaceable relative the palletizing machine 1--and supports a movable supporting plate 36 which is driven by a step motor 38 along supporting members 32 to displace spacers 10, feed by the elongate members 54, between two alternate end positions in an interlacing plane perpendicular to the glass plates 12. The device according to Chujo et al. '687 is specifically designed to interpose spacers between adjacent glass plates located on a pallet (column 1, lines 7-12). The gantry 16 is relatively large and supports all the driving means for moving the movable supporting plate 36, the members 54, and the rollers 68 to feed spacers 10.

8/3/2007 3:28 PM

- 8 -

10/523,322

It is to be appreciated that this kind of construction is not adapted to be integrated into or located within an interior space of the gantry of a palletizing machine which is equipped with a gripping device 5, as with the presently claimed invention, while still allowing a gripping device to vertically lower tubes, for example, onto a pallet for the palletizing machine 1. The gantry 11 of the interlacing device 10 is allowed to be located within and cooperate with the palletizing machine without interfering with operation of the gripping device 5 of the palletizing machine 1.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art of Chujo et al. '687, the independent claims 31 and 46 both now recite the features of the at least one interlacing gantry (11, 11') comprises "at least two upright posts joined at the top by a cross-beam" and the drive means "is operated independently of operation of the palletizing machine (1)" and the drive means displaces "the interlacing gantry (11, 11'), within the palletizing machine (1) and relative to a base structure of the interlacing device (10,10'), between at least two alternate end positions so as to displace alternately the guide (20, 20') in at least one interlacing plane (P) that is essentially perpendicular to the palletized products (2) from one side to another side of the transport pallet (7)." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art of Chujo et al. '687.

Next, claims 41-45 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Agne et al. '601. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

According to the teachings of Agne et al. '601, the interlacing device is formed as a single unit with the palletizing machine. Even if the equipment, according to the teachings of Agne et al. '601, is provided with its own driving means (e.g., a pneumatic cylinder 42), it is respectfully submitted that such equipment cannot be readily be adapted to another palletizing machine and, in any event, fails to either anticipate or render obvious the presently claimed

8/3/07 3:28 PM

10/523,322

invention. That is, according to the presently claimed invention, the interlacing device is mechanically separate from the palletizing machine and thus freely adaptable. As now recited, the independent claim 41 now recites the features of the at least one interlacing gantry (11, 11') comprises

... at least one interlacing device (10, 10') being separate from the palletizing machine (1) and comprising at least one interlacing gantry (11, 11') ... comprising at least one guide (20, 20') supplied by at least one spool (12) of an interlacing material (12'); wherein the interlacing device (10, 10') also comprises drive means separate from the operation of the palletizing machine (1) ... for displacing the interlacing gantry (11, 11') inside the palletizing machine (1), vertically below the gripping device (5), and relative to a base structure of the interlacing device (10, 10'), and between at least two alternate end positions so as to displace the guide (20, 20') in at least one interlacing plane (P) that is essentially perpendicular to the palletized products (2) alternately from one side to another side of the transport pallet (7).

Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art of Chujo et al. '687.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Chujo et al. '687 and/or Agne et al. '601 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised

8/2/07 3:23 PM

10/523,322

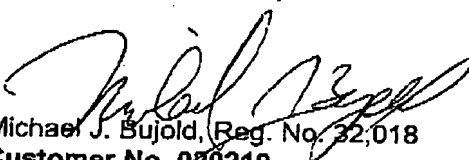
rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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